

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ANNA NEMYKINA, for Herself, as a  
Private Attorney General, and/or On Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

OLD NAVY, LLC; OLD NAVY  
(APPAREL), LLC; OLD NAVY  
HOLDINGS, LLC; GPS SERVICES, INC.;  
THE GAP, INC.; and DOES 1-25, inclusive,

Defendants.

No. 2:19-CV-01958-BJR

**STIPULATED MOTION AND ORDER  
TO EXTEND DEADLINE FOR  
PLAINTIFF TO MOVE FOR CLASS  
CERTIFICATION**

**NOTE ON MOTION CALENDAR:  
MAY 27, 2020**

**STIPULATION**

WHEREAS, on December 1, 2019, Plaintiff Anna Nemykina filed this putative class action in this Court (Dkt. 1);

WHEREAS, on February 19, 2020, Defendants Old Navy, LLC, et al, filed a Motion to Dismiss Plaintiff's First Amended Complaint (Dkt. 18);

WHEREAS, on April 29, 2020, this Court entered its Order Setting Trial Date & Related Dates (Dkt. 35) in which, among other dates, this Court scheduled the close of discovery to occur on April 21, 2021, the last day to file dispositive motions to be May 21, 2021, and the jury trial to

STIPULATED MOTION TO EXTEND DEADLINE FOR  
PLAINTIFF TO MOVE FOR CLASS CERTIFICATION – 1  
(CASE NO. 2:19-cv-01958-BJR

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1 commence on October 18, 2021;

2 WHEREAS, Local Civil Rule 23(i)(3) requires that a plaintiff in a class action move for  
3 certification of the class within one hundred eighty (180) days of the filing of the Complaint but that  
4 “[t]his period may be extended on motion for good cause”;

5 WHEREAS, the Ninth Circuit held that a similar local rule with a bright-line 90-day deadline  
6 was incompatible with the flexible standard of Fed. R. Civ. P. 23 (*ABS Entertainment, Inc. v. CBS*  
7 *Corp.*, 908 F.3d 405, 426–427 (9th Cir. 2018));

8 WHEREAS, Friday, May 29, 2020 is the date which falls one hundred eighty (180) days after  
9 the filing of the Complaint;

10 WHEREAS, on May 15, 2020 the Court denied Defendants’ Motion to Dismiss;

11 WHEREAS, Plaintiff is now diligently undertaking discovery, including having served  
12 written discovery on Defendants on May 20, 2020;

13 WHEREAS Plaintiff will need additional time to take further discovery, including written  
14 discovery, e-discovery, depositions, and possible third-party discovery, which will be required to  
15 prepare and file a Motion For Class Certification;

16 WHEREAS, Plaintiff hereby requests an eight-month extension of her deadline to file a  
17 Motion For Class Certification such that said motion would be due to be filed on or before February  
18 16, 2021 (a date which falls before the discovery cut-off date and before the dispositive motion filing  
19 date);

20 WHEREAS, the Parties agree to further meet and confer and present a briefing schedule to  
21 this Court on any Motion for Class Certification to ensure that the Parties have adequate time to  
22 complete expert depositions and prepare briefing in support of and in opposition to any Motion for  
23 Class Certification;

24 NOW, THEREFORE, Plaintiff Anna Nemykina and Defendants Old Navy LLC, et al, hereby  
25 STIPULATE and AGREE that the deadline for Plaintiff to file any Motion for Class Certification  
should be extended to February 16, 2021.

1 DATED this 27th day of May, 2020.

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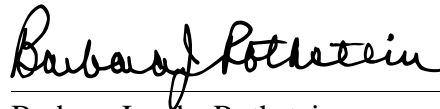
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**ORDER**

Based on the foregoing Stipulated Motion of the parties and good cause shown, it is hereby ordered that the deadline for Plaintiff to file a Motion for Class Certification is extended to February 16, 2021.

DATED this 3rd day of June, 2020.



Barbara Jacobs Rothstein  
U.S. District Court Judge

Presented by:

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